MBf HOLDINGS BERHAD & ANOR.

v.

HOUNG HAI KONG & 2 ORS.

HIGH COURT MALAYA, KUALA LUMPUR
DATO' ANUAR BIN DATO' ZAINAL ABIDIN J.
[CIVIL SUIT NO. S4-22-75-93]
28 JANUARY 1994

CONTEMPT PROCEEDINGS: Breach of injunctive order - Punishment - Committal order - Whether called for - Contemnor an advocate and solicitor and a Member of Parliament - Whether an aggravating factor.

CONTEMPT PROCEEDINGS: Order of Court - Whether to be strictly obeyed - Order preventing defendants from publishing allegations against plaintiffs - Publication of true allegations - Whether exempted - Whether equally prohibited.

This was an application by the plaintiffs to commit the defendants to prison for contempt of Court. The facts were that on 9 February 1993 the plaintiffs obtained an *ex-parte* interlocutory injunction prohibiting the defendants from printing, circulating or publishing allegations of impropriety against the plaintiffs. On 11 February 1993, two days after the issuance of the order, three letters which the 1st and the 2nd defendants and one Ting had written with the help of the 3rd defendant, were received by the Bank of Nova Scotia. Publication of these letters was in breach of the order. Also on 11 February 1993, copies of a letter which Bank Negara Malaysia (BNM) had sent the 3rd defendant in 1992, were found at two branch offices of the 2nd plaintiff. Publication of this letter, likewise, was also in breach of the said order.

The facts further showed that after having obtained the injunctive order, the plaintiffs informed the 1st defendant that they intended to serve the cause papers including the order of Court on the 1st defendant on 16 February 1993, to which the latter agreed. The 1st defendant however did not turn up at the appointed time and place, and the result was that the plaintiffs were unable to serve the said order on the 1st defendant. It was also evident that on 10 February 1993, the plaintiffs had served the same cause papers on the 3rd defendant at the latter's legal firm, but the 3rd defendant, while acknowledging receipt of the cause papers, refused to accept service of the Court order.

The plaintiffs alleged that the defendants had published the letters aforesaid on 10 February 1993 in full awareness of the injunctive order prohibiting such publication and hence, had committed contempt of Court.They further alleged that the defendants had also been in contempt for wilfully evading service of the order of Court. Before the learned Judge the primary issue that arose was whether there was anything done by the defendants which was in breach of the order and if so, whether their committal to prison, under the circumstances, was called for.

Held:

[1] On the facts both the 1st and the 3rd defendants had wilfully evaded service of the order of Court dated 9 February 1993. The 1st defendant, by choosing to absent himself at the appointed time and place, must be deemed to have refused to accept service of the same. As for the 3rd defendant, there is no doubt that he was present in his legal firm's office when the plaintiffs' process server and legal assistant served the relevant Court papers, but, instead of accepting service thereof, he chose to instruct his legal assistant not to accept the Court order. Both defendants therefore had been in contempt of Court.

[2] The order of Court herein must be read to mean that all acts of printing, circulating, distributing and publishing of any allegation of impropriety or irregularity or illegality against the plaintiffs are restrained until further order. The order therefore covers all such acts as set out therein irrespective of whether the published materials are true or false. In the premises there is no merit in the contention of the defendants that what they did was merely to disclose the truth and therefore not an act in breach of the order.

[3] An injunction is a most solemn and authoritative form of order made by the Court. It is the duty of those so enjoined strictly to observe the terms of the injunction. So long as it exists the order must be obeyed and obeyed to the letter and those who wish to get rid of that order must do so by the proper course but never to commit the restrained act.

[4] The defendants, in publishing or causing to be published the three letters, had clearly antedated the letters so as to conceal the actual fact that they were prepared, drafted and typed on the same date on 10 February 1993. The facts also showed that at the time the letters were drafted by the 3rd defendant, all the defendants were aware and had knowledge of the order restraining them from doing such an act. The lst defendant and the 2nd defendant therefore were in breach of the order by publishing the three letters and the 3rd defendant was in breach of the order for assisting them to prepare those letters for publication.

[5] As for the BNM's letter, the copies could only have come from Bank Negara Malaysia or the 3rd defendant. On the facts, the only conclusion is that the 3rd defendant must have placed them or caused them to be placed at the plaintiffs' bank most likely for the purpose of causing injury and damage to the plaintiffs. The 3rd defendant, hence, has breached the order and is in contempt.

[6] Contempt of Court is a serious offence and the Court must deal with the contemnor with equal seriousness. The seriousness of the offence committed by the defendants cannot be doubted having regard to their conduct in openly disobeying the order and intentionally evading service thereof. As such no punishment would be appropriate unless they are suffered to committal. In the circumstances it is proper that the 1st defendant herein is sentenced to two weeks imprisonment and RM20,000 fine in default six months imprisonment for each of the two offences committed by him.

[7] The 3rd defendant, however, deserves a more serious punishment. The 3rd defendant is a Member of Parliament and therefore a public officer. In addition he is also a member of the Bar and therefore an officer of the Court. As a member of the

Bar the 3rd defendant has an onerous duty to protect the dignity of the Court and to see that justice is upheld. It is also expected of him to show greater respect for an order of Court. The 3rd defendant by obtrusively defying the power of the Court, has clearly shown no respect whatsoever for the Court and has indeed committed contumelious conduct against the order of Court. In view of the the above, the 3rd defendant is sentenced to two years imprisonment for each of the offences.

[Defendants found guilty of contempt and committed to prison].

For the plaintiffs - G. Sri Ram (David Morais & S.C. Loh with him); M/s. Cheang & Ariff
For the 1st and 2nd defendants - Karpal Singh; M/s. Karpal Singh & Co.
For the 3rd defendant - Dato' Dominic Puthucheary & Lim Kean Chye; M/s. Wee Choo Keong & Faaiz

JUDGMENT

Anuar bin Dato' Zainal Abidin J:
There are two motions before the Court in Encls. (27) and (102).

In Encl. (27) is a motion moved by the plaintiffs for an order that the 1st defendant, 2nd defendant and 3rd defendants be committed to prison for their several contempts of this Honourable Court in disobeying the terms of the order of this Honourable Court dated 9 February 1993 which restrained the defendants and each of them by themselves, their servants or agents or otherwise howsoever from printing, circulating, distributing or publishing in any manner whatsoever any allegation of impropriety or irregularity or illegality of whatsoever nature against the first plaintiff or the second plaintiff or any of their respective subsidiaries or affiliates more particularly identified in the Annexure attached thereto or of any of their officers, the particulars of which are set out in the statement and upon the grounds set forth in the copy of the statement served herewith used in the application for leave to issue this notice of motion.

In Encl. (102) it is a motion moved by the plaintiffs for the Court to issue an order that the 1st defendant and the 3rd defendant be committed to prison for their contempt of this Honourable Court in wilfully evading service of the order of this Honourable Court dated 9 February 1993, the particulars of which are set out in the statement and upon the grounds set forth in the copy of the statement served herewith used in the application for leave to issue this notice of motion.

The order of Court dated 9 February 1993, is to be found in Encl. (6) and the terms of the order are as stated in the notice of motion in Encl. (27).

The Court is invited by the learned Counsel for the defendants to consider the meaning and scope of the order. It was suggested that the order is vague and may be interpreted in different meanings. With respect I do not think there is any ambiguity either in the meaning or the scope of the said order. The order clearly means that the defendants are restrained from carrying out or exercising any act described in the order. The acts restrained of are:

> printing, circulating, distributing or publishing in any manner any "allegations"

whether the allegation consists of facts which are true or not is not material. The order prohibits any allegation to be printed, circulated, distributed or published. It

is therefore not correct to say that the order must be read to mean that only allegations which are untrue which cannot be printed, circulated, distributed or published. It is wrong to say that if the allegation is of facts which are true it is not caught by the injunctive order. There is no merit in the argument that what the defendants have done is merely to disclose the truth and therefore not an act in breach of the order of Court. The order of Court must be read to mean that all acts of printing, circulating, distributing and publishing in any manner of any allegation of impropriety or irregularity or illegality of whatsoever nature whether true or not against the plaintiffs are restrained until further order. It should be evident to the defendants that this in only an interim order and not a final one. The fact that the Court may give further order only confirms the argument that the restraining order does not distinguish or differentiate between an allegation which is true or false.

The order of Court dated 9 February 1993 therefore covers all such acts as set out in the order irrespective of whether they are true or false.

The first question to be decided whether the defendants have acted in contempt of Court is whether the defendants have knowledge of the Order.

The order of Court was obtained by the plaintiffs and issued by the Court on 9 February 1993. It was given wide publicity on 10 February 1993. The news regarding the order was published the following morning on 10 February 1993. It is a fair assumption that everyone would know of the news which was published by the newspapers on 10 February 1993. The 3rd defendant particularly, being a prominent public figure as a member of Parliament and a lawyer would not have missed the newspaper report on 10 February 1993. I am satisfied that the 3rd defendant must have known of the order dated 9 February, 1993 on 10 February 1993. There is also evidence that the 3rd defendant was aware of the order on 10 February 1993 because on 10 February 1993, the day when news of the order was widely circulated in the newspapers, the 3rd defendant's solicitors wrote a letter to the plaintiffs asking for particulars of the order. The 3rd defendant's solicitors also asked for the various cause papers to be served on them. It is obvious that the letters must have been sent on the instruction of the defendant. The 3rd defendant could only have given such instruction with full knowledge of the existence of the Court's order. I have no doubt that the 3rd defendant had knowledge of the order restraining him from doing the various acts set out in the order on 10 February 1993.

On the evening of 10 February 1993, the plaintiffs' solicitors served the cause papers including the Court's order on the 3rd defendant's solicitors. The cause papers and the copy of the order were received by the legal assistant in the 3rd defendant's legal firm. The legal assistant, Mr. Ivan Wong, acknowledged receipt of the cause papers but refused to accept service of the Court's order. I shall deal with the question whether the 3rd defendant was at that material time, present in the office or not at a later stage in this judgment when I deal with the question of whether the 3rd defendant tried to evade the service of the order.

In the event the 3rd defendant must be deemed to have known of the Court's order when the cause papers were served on the firm of Wee Choo Keong & Faaiz, of which the 3rd defendant is the senior most partner of the firm.

I have no doubt that by 10 February 1993, the 3rd defendant had knowledge of the Court's order restraining him from the act as described in the order.

With regards to the 1st defendant it is established that he was present in the 3rd defendant's office on the night of 10 February 1993, together with the 2nd defendant and another person called Ting Tiew King. In his affidavit (Encl. (16)) Ting Tiew King deposed that on 10 February 1993, he went to the 3rd defendant's office together with the 2nd defendant to get the 3rd defendant's assistance or help to prepare a letter regarding his problem. At the 3rd defendant's office the 3rd defendant helped him prepare a letter addressed to the Bank of Nova Scotia in respect of the housing loan outstanding with the bank. Ting also stated in his affidavit that the 1st defendant and the 2nd defendant were also present in the office when the letter was prepared. That being the case the 1st defendant would also have knowledge of the Order of Court dated 9 February 1993, which the 3rd defendant, as stated earlier, knew had been issued.

At this juncture it may be convenient for me to deal with the admissibility of the affidavit by Ting Tiew King since the issue had been raised by the defendants in this motion. Ting has, subsequent to the filing of the affidavit, resiled from his earlier statement and denied the statement made in his affidavit. Unfortunately Ting is not available for cross-examination, although the intention to do so has been issued by the plaintiffs. Several attempts have been made by the plaintiffs to serve a notice to cross-examine the witness, Ting, but was not successful. In the event the learned Counsel for the plaintiffs made an oral application for the affidavit to be admitted, which application was granted. I was satisfied that the plaintiffs have taken all the necessary steps to locate the witness but have not succeeded. Although the deponent, Ting, has changed his mind and denied the facts stated in the affidavit I preferred to accept the affidavit because I am satisfied that the affidavit was made voluntarily by Ting. Ting has claimed that he was pressurised to make the affidavit but the allegation has been sufficiently denied by the plaintiffs.

To reiterate what I have stated earlier I found that both the 1st and 3rd defendants had knowledge of the order of Court dated 9 February 1993 at the latest on the 10 February 1993.

The next question to be considered is whether there was anything done by the defendants which is in breach of the order dated 9 February 1993.

I shall deal with the 3rd defendant's case first. The allegation against the 3rd defendant is that he did on or about the night of 10 February 1993 prepare or cause to be prepared the letter dated the 6 of February 1992(3) (Encl. 14 page 208, the year wrongly typed 1992) for the purpose or with the intention that it shall be published by the 1st defendant to the Bank of Nova Scotia at its office. The 3rd defendant is also alleged to have prepared similar letters for the purpose or with the intention that, one is to be published by the 2nd defendant and the other to be published by

Ting Tiew King dated 8 February 1992(3) and 10 February 1992(3) respectively. These three letters were received by the Bank of Nova Scotia on 11 February 1993.

It was argued that these letters were not prepared, as alleged by the plaintiffs, on 10 February 1993. In the case of the 1st defendant's letter it was submitted that the letters was written on the 6 February 1993. In the case of the 2nd defendant the letter was prepared on 8 February 1993 and in the case of Ting Tiew King his letter was prepared on the 10 February 1993. It was argued therefore that the 1st defendant's letter and the 2nd defendant's letter could not have been in breach of the order of Court of 9 February 1993 because they were prepared much earlier than the date when the order of Court was issued. It was pointed out that all the letters were dated earlier than the order. The plaintiffs however contended that all the three letters were actually prepared and written on the same date on 10 February 1993. The plaintiffs contended that the dates were made retrospective.

I agree with the plaintiffs' contention that all the three letters had been prepared on 10 February 1993. As I have stated earlier, Ting Tiew King stated in his affidavit that his letter was prepared on 10 February 1993. He also stated that the 1st defendant and the 2nd defendant signed some documents on the same night. I can only conclude from that the documents which the 1st and the 2nd defendants signed that night must be the letters dated 6 February 1993 and 8 February 1993. In other words those two letters were backdated when they were actually prepared on 10 February 1993. I think it is much of a coincidence that all the three letters, though differently dated, were actually received on the same date on 11 February 1993. The only reasonable explanation why the letters were received on the same date on 11 February 1993, is that they were posted at the same time and on the same day on 11 February 1993. This lends support to the fact that they must have been prepared at the same time on 10 February 1993. The foregoing facts therefore show that all the three defendants have acted in breach of the Court's order dated 9 February 1993 by publishing the letters mentioned above. The 1st defendant and the 2nd defendant were in breach of the order by publishing the letters and the 3rd defendant is in breach of the order by assisting the 1st and the 2nd defendants and Ting to prepare those letters for publication.

The conduct of the defendants antedating the letters can only be regarded as a feeble and amateurish attempt on their part to conceal the fact that they were prepared, drafted and typed on the same date on 10 February 1993.

The 2nd charge against the 3rd defendant is in respect of the publication of Bank Negara Malaysia's letter dated 22 September 1992 addressed to the 3rd defendant. Copies of this letter were found at the auto-teller machine of the 2nd plaintiff's branch office at Salak South on 11 February 1993 and branch office at Kepong on the same date.

It is not disputed that on 11 February 1993 several copies of the letter written by Bank Negara to the 3rd defendant were found either at the auto-teller machine or around the building of the 2nd plaintiff's branch at Salak South and Kepong. The publication of this letter is in breach of the order of Court dated 9 February 1993. The question is, who placed them there. There are only two sources from where these letters could have come from. They could have come from Bank Negara Malaysia or

from the 3rd defendant himself. It was however suggested that there are other people who could have placed these letters at the places where they were found. The 3rd defendant contended that he had given a press conference at the Dewan Rakyat conference in November 1992 and on that occasion, at the request of the press and other members of Parliament, he had distributed copies of this letter to the press and the other members of Parliament. It was suggested that these people could have placed those letters at the plaintiffs' branch in Salak South and Kepong. With respect I find it difficult to accept such a story. For one thing, if it is true that they were the people who had placed the letters at the plaintiffs' branch at Salak South and Kepong, it escapes my imigination or understanding why the press people and the other members of Parliament had taken more than three months to place those letters and in such large numbers at the plaintiffs' bank. I cannot imagine for what reasons they would want to do that. As for Bank Negara Malaysia I am sure they would have no interest whatsoever to do such a senseless thing. My only conclusion is that the 3rd defendant must have placed them or caused them to be placed at the plaintiffs' bank most likely for the purpose of causing injury and damage to the plaintiffs.

I am satisfied that on the evidence before the Court the plaintiffs have established a case against the 3rd defendant in respect of the second charge by placing or causing to be placed the letters written by Bank Negara Malaysia at the plaintiffs' branch at Salak South and Kepong. The 3rd defendant has breached the order of Court dated 9 February 1993 and is in contempt of Court.

Two other charges against the 3rd defendant are that he had made phone calls to DAP branch in Sungai Ruan, Raub, Pahang between 10 and 16 February 1993 and also phone calls to depositors of the 2nd plaintiff, MBf Finance Bhd., residing in Temerloh alleging that the 2nd plaintiff company was in financial trouble. The phone-calls which the 3rd defendant made or caused to be made stirred up feeling of insecurity the 2nd plaintiff's depositors and caused a run on the bank. As a result of the telephone calls made by the 3rd defendant or caused by him to be made were abnormal withdrawals at both the Raub branch and the Mentakab branch. On 12 February 1993, the withdrawal at Mentakab branch was in excess of RM3.8m. (Encl. (14) page 227). From another report made on 16 February 1993 (Encl. (14) page 222) the withdrawal at Raub branch was in excess of RM2.2m. These are abnormal withdrawals for such small branches. Having regards to the events taking place from 9 February 1993, there is no doubt in my mind that the 3rd defendant had caused all these phone-calls to be made to Raub and Temerloh with the intention to cause injury and damage to the plaintiffs.

In the light of the above facts I am satisfied that the 3rd defendant has breached the order of Court dated 9 February 1993 and is in contempt of Court.

Coming now to the question of whether the 1st defendant and the 3rd defendant have evaded service of the order I shall have to deal with the matter separately.

The 1st defendant was informed by the plaintiffs that the plaintiffs would be serving the cause papers and the order of Court dated 9 February 1993 on 16 February 1993 between 10.00 a.m. and 10.30 a.m.. The 1st defendant was asked to be present at the given address and appointed time. There is evidence to show that the 1st defendant agreed to this appointment to accept service but on 16 February 1993 when the

plaintiff went to the appointed place at the appointed time the 1st defendant was nowhere to be seen. The 1st defendant in his affidavit denied that he had agreed to be at the appointed place and time on 16 February 1993 although he admitted receiving a phone-call from the plaintiff's clerk regarding the matter. In his affidavit he said he merely gave a reply that he would try to be back but he never promised to be at the appointed place and time. The 1st defendant said that when he received the message he was on his way to Ipoh and he gave a lame excuse that the line was not clear. I do not think the 1st defendant's version of the story can be believed. If he could hear the part about the appointment for service of cause papers he could easily ascertain the other details as regards the place, the time and the date. If he could not do so on the hand-phone he could certainly have ascertained the facts when he reached Ipoh. He did not do so. In the event I accept the version given by the plaintiff that the 1st defendant agreed with the request made by the plaintiffs to receive the documents on 16 February 1993 between 10.00 a.m. and 10.30 a.m..

I am satisfied that the 1st defendant was evading service on 16 February 1993 and therefore in contempt of Court.

As regards the 3rd defendant the plaintiffs' solicitors sent their process server and a legal assistant to the 3rd defendant's legal firm office on 10 February 1993. When the process server arrived at the place he was informed that the 3rd defendant was in the office. The 3rd defendant however, never came out to meet the process server. The legal assistant in the firm came out and received all the documents including the order of Court. He took the documents inside and later came out and acknowledged receipt of the cause papers but refused to accept service of the Courts order. The legal assistant did not say that the 3rd defendant was not in. It is only later that the 3rd defendant's secretary told the process server that the 3rd defendant was not in. But I think the receptionist at the counter must be telling the truth because she was not aware of the whole purpose of the visit by the Plaintiffs' process server to the defendant's office. Her answer that the 3rd defendant was in must have been given freely and honestly. The 3rd defendant being a senior partner of the firm would have been consulted by the legal assistant on the matter which is as serious as this one. In any event it was on the 3rd defendant's instruction that Messrs. Wee Choo Keong and Faaiz wrote to the plaintiffs' solicitors asking for particulars about the injunction order. When that letter was sent the 3rd defendant already knew that there was an order issued by the Court and his instruction to Messrs. Wee Choo Keong & Faaiz was to accept service of all Court's matters including the order of the Court. When the process server came with the cause papers and order of the Court and handed over the documents to the legal assistant, the legal assistant must certainly have brought this matter to the attention of the 3rd defendant. It is my believe that the 3rd defendant had given instruction to the legal assistant not to accept the Court's order. The 3rd defendant on his part refused to acknowledge service of the order of Court.

I am satisfied that the 3rd defendant evaded service of the order on 10 February 1993 and is in contempt of Court.

I am grateful to the learned Counsel for the 3rd defendant, Mr. Lim, for his able and careful presentation of the argument in mitigation on behalf of the 3rd defendant.

Contempt of Court is a serious of fence and the Court must deal with the contemnor with equal seriousness. When someone openly disobeys the Court order he commits a breach. His conduct is calculated to obstruct or had an intrinsic tendency to interfere with the course of justice and the due administration of law.

An injunction is a most solemn and authoritative form of order made by the Court expressly enjoining a party either to do a particular act ef a in from doing a particular act. It is the duty of those so enjoined strictly to observe the terms of the injunction. The simple and only view is that an order must be obeyed, that those who wish to get rid of that order must do so by the proper course. So long as it exists, the order must be obeyed, and obeyed to the letter. The proposition is well established that even where the order of the Court required interpretation or there was any doubt as regards its scope, it was the duty of the party enjoined to get the interim injunction discharged or varied instead of committing the act proposed.

A contempt of Court is basically an offence against the Court and not against the Judge personally and it is punishable because of the necessity of maintaining the dignity of the Court.

The seriousness of the offence committed by the two defendants cannot be doubted having regards to the conduct of the defendants openly disobeying the injunction and intentionally evading service of the order. No punishment would be appropriate unless the contemnor is suffered to committal. I do not think in the circumstances of the case a fine would be adequate. I have considered this case with great care and concern and it is my unpleasant task that I have to hand down the only punishment which I think appropriate in this case:

1st defendant

1st offence - Encl. (27)

I would sentence the 1st defendant to two weeks imprisonment and RM20,000 fine or in default 6 months imprisonment w.e.f. today.

2nd offence - Encl. (102)

I would sentence the 1st defendant to two weeks imprisonment and RM20,000 fine or in default 6 months imprisonment w.e.f. today.

I have considered the submission carefully. The only mitigation offered by the 3rd defendant is that the order of Court should not have been issued. The 3rd defendant's contention is that if the Court examines the grounds for the application for the injunction inter parte the Court would not have issued the injunction. This is the mitigation of the 3rd defendant. He does not say that he regrets for his conduct in disregarding the order of Court; he does not say that he is sorry he has disobeyed the order; he is only sorry that the Court had wrongly issued the order which the Court should not have issued. If I understand the argument correctly what the 3rd defendant is saying is that since the order of Court may be irregular he should not be suffered to punishment for not obeying the order.

As I have said in earlier proceedings, the order of Court must be obeyed or complied with until the order is set aside. At this stage the Court is only concerned to see that its order is carried out and obeyed. Anyone who chooses to ignore the order and knowingly disobeyed the order commits a contempt of Court. Unless the contemnor

has purged the contempt the contemnor must be punished if found to have committed the contempt.

The proper time for the defendant to raise the issue or challenge the validity or regularity of order of Court is by an application to set aside the order of Court. The defendant is not at liberty to disregard the order of Court.

As regards the 3rd defendant he deserves a more serious punishment. The 3rd defendant is a Member of Parliament and therefore a public officer He is undoubtedly a public figure. As a member of Parliament he represents the public and among the many duties, he has to protect the public interest.

The 3rd defendant is also a member of the Bar. He is still active in practice and has a firm in his name. As a member of the Bar he is also an officer of the Court. He has an onerous duty as an advocate and solicitor to see that justice is upheld. At the same time as an officer of the Court he has a duty towards the Court. Indeed his duty to the Court is most important. It is his duty to protect the dignity of the Court. It is therefore expected of him to show respect for the administration of justice.

The 3rd defendant, I have no doubt, knew and was fully aware of the Court's order issued on 9 of February 1993. However, the 3rd defendant chose to not only ignore the order of Court but went on to do an act completely against the order. As a member of the Bar he should have shown greater respect for an order of Court. On the contrary he had blatantly challenged the validity of the order. The defendant obtrusively defied the power of the Court and therefore has committed contumelious conduct against the order of Court.

It is obvious that the 3rd defendant has shown no respect whatsoever for the Court. He has completely brushed aside the order of Court. He manipulated and schemed an action to suit his own purpose ignoring the supremacy of the order of Court.

In view of the serious nature of the offence committed by the 3rd defendant I sentence him to two years imprisonment for each of the offences. The sentences to run concurrently.